

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MACLAREN EUROPE LIMITED,

Plaintiff,

Civil Action No. 11-cv-04688-HB

-against-

**NOTICE OF  
MOTION TO DISMISS**

ACE AMERICAN INSURANCE COMPANY,  
a/k/a ACE USA,

Defendant.

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**PLEASE TAKE NOTICE** that, upon the Declaration of Joseph K. Powers, Esq. dated July 28, 2011, and the exhibits annexed thereto, the accompanying Memorandum of Law In Support of Defendant's Motion To Dismiss, and upon all pleadings and prior proceedings heretofore had herein, Defendant ACE American Insurance Company (incorrectly sued herein as "ACE American Insurance Company, a/k/a ACE USA") ("ACE"), by their attorneys, Sedgwick LLP, by its attorneys, Sedgwick LLP, will move this Court at 500 Pearl Street, New York, New York 10007, on the 18<sup>th</sup> day of August, 2011, or as soon thereafter as counsel may be heard, for an Order pursuant to Rule 12(b): dismissing with prejudice Plaintiff's Complaint in its entirety for failure to state a cause of action on which relief can be granted; (b) declaring that the Policy was validly cancelled with effect from July 10, 2006; and (c) awarding such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that ACE relies upon English law as set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 6.1(b), answering affidavits and/or memoranda are to be served upon the undersigned no later than August 11, 2011.

Dated: New York, New York  
July 28, 2011

SEDGWICK LLP

/s/ Joseph K. Powers

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Joseph K. Powers (JP 5504)  
J. Gregory Lahr (JL 9969)  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>TH</sup> day of July, 2011, a copy of Defendant's Notice of Motion to Dismiss, Declaration of Joseph K. Powers and annexed Exhibits, and Memorandum of Law in Support of Defendant's Motion to Dismiss were served via the electronic case filing system on:

Paul S. Hugel  
CLAYMAN & ROSENBERG LLP  
305 Madison Avenue – Suite 1301  
New York, New York 10165  
*Attorneys for Plaintiff*  
*Maclaren Europe Limited*

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/s/ J. Gregory Lahr  
J. Gregory Lahr